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DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Written statement submitted by the Commission for the Defence of Human Rights in Central America, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[27 July 1994]

Indigenous peoples

1. The Commission for the Defence of Human Rights in Central America (CODEHUCA) hereby reports to the Sub-Commission to denounce violations of the human rights of the indigenous peoples of Central America.

2. The indigenous peoples of Central America are constantly endeavouring to become active instruments of change and to attain a public place in the taking of decisions affecting them; but as in the past, they are still in the state of social, political and economic exclusion which takes its origin in the colonial period.

3. In Guatemala the majority of the Maya population (65%) is still suffering from institutionalized racism; the illiteracy rate in their own language is very high; and they do not enjoy access to education in Spanish. The political exclusion to which they are subjected is a fact of everyday life. One example is the statements by Hector Rosada, the head of the government delegation in the peace talks between the Government of Guatemala and the insurgents, who

refused the demand of the Maya peoples for discussions on autonomy for the indigenous peoples at the negotiating table.

4. The right of freedom of association of the young among the indigenous peoples is violated in that they are forced into the national army. This situation was denounced in March of this year by the Widows' Committee of Guatemala (CONAVIGUA) when inhabitants of Coatepeque, San Francisco El Alto, Momostenango, Totonicapán and other places were forcibly recruited by the army.

5. In El Salvador the majority of the population is of indigenous origin, especially in the provinces of La Paz, Cuscatlán, San Pedro Perulapán and Monte San Juan among others.

6. According to an investigation by the Office of the Procurator for Human Rights in El Salvador, nationals of indigenous descent constitute marginalized groups, unable to gain access to employment opportunities and with low incomes; they belong to the groups considered to be in a state of extreme poverty.

7. Their living conditions are precarious; some 90% of them live in hardship. Very few enjoy access to land - a situation promoted both by different governments and by the national bourgeoisie, which has despoiled them of their ancestral lands to make room for export products from which the indigenous population derives no benefit whatsoever. The latter remains in economic activities of the colonial type - as day labourers, sharecroppers, smallholders or beneficiaries of agrarian reform (members of cooperatives).

8. Some of them live in the suburbs of small towns or villages, but the majority live in rural areas. Their homes are built with grass or sorghum stalks; only 2% of families have managed to build their homes with better materials. Indigenous women perform very poorly paid handicraft work in addition to having to perform household tasks.

9. On account of the poor roads in the areas within which these peoples move, it is difficult for them to gain access to health care units. Many of them die without medical care of diseases which could have been cured if they had been treated in time. Fifty-five per cent of children under age 6 are suffering to some degree from undernourishment.

10. In Honduras the indigenous peoples have suffered persecution, repression, harassment and killings at the hands of the landowners and the armed forces. During the last few years 21 Indian leaders have been murdered on account of disputes over land. For the last three years they have been demanding the investigation of the murders of their leaders and legal confirmation of their ownership of their land.

11. On 10 July of this year they organized a Pilgrimage for Life, Justice, Freedom and Peace for the Indigenous Peoples. The march began in La Esperanza (Intibucá) and reached Tegucigalpa on 11 July. In response to the struggle of the indigenous peoples, and above all to the pressures brought to bear, the government gave satisfaction to the pilgrims, and on 15 July the Indians and the government signed a 72-point emergency plan which included the establishment of a high-level government commission to ensure implementation of the agreements.

12. In Panama the indigenous population exceeds 200,000; they are located in four provinces and one comarca (region). The Emberá-Wounaan tribes live in Darién province; the Ngobé-Buglé live in Chiriquí, Bocas del Toro and Veraguas; and the Kunas live in the comarca of Kuna Yala. These peoples are victims of social exclusion, and their human rights - particularly those relating to health, work and education - are seriously violated.

13. The government of Guillermo Endara, like its predecessors, systematically ignores the continual denunciations or demands of the indigenous peoples, who are constantly subjected to repressive measures and forcible expulsions.

14. For this reason one of the principal demands of the indigenous peoples at this time is for the determination of their territory. This demand comes particularly from the Ngobé-Buglé, who form the majority group (123,000 persons), and the Emberá-Wounaan, who occupy 42 communities which are outside the boundaries of the comarca. Indigenous groups have submitted to the legislature a number of draft Bills concerning comarca boundaries, but all have been pigeonholed; the parliamentarians refuse to discuss the subject. Equally, they have failed to give any priority to ratification of ILO Convention 169.

15. Typical of the historical exclusion of the indigenous peoples is the fact that the government and the major landowners, notwithstanding ancestral land ownership rights, have taken forcible expulsion measures against the Indians. This was the case with the indigenous Ngobé-Buglé inhabitants of the communities of Potrero de Palma and Chiriquí and of two others - Puente Blanco and Corregimiento de Guabito, at the frontier with Costa Rica. The primary cause of these expulsion measures is the richness of the soil on the lands owned by the indigenous peoples, the cultivation of which is a subject of dispute between the big landowners and the companies. Notwithstanding the protests of the indigenous inhabitants, the government has granted concessions for exploitation and prospecting in the indigenous districts and lands, thus violating the international standards which prohibit this practice where it breaches the rights of the indigenous peoples concerned.

16. Recently violations of the human rights to truth, physical integrity and human dignity worthy of a science fiction novel took place. CODEHUCA has in fact received a complaint from the legal representative of the Ngobé-Buglé General Congress to the effect that two medical experts from the United States have expressed their intention to patent a virus discovered in the plasma of Ngobé women. The project is known as "human genetic diversity" and is supported by the United States National Health Institute. On this subject the daily newspaper La Estrella of Panama City reported on 23 December 1993 that "a group of molecular anthropologists is planning to take samples of the cheeks, blood and hair roots from the heads of 722 indigenous individuals from different places throughout the world with a view to perpetuating their genetic types, and possibly to make financial gain thereby."

17. In Costa Rica there are over 30,000 aboriginal inhabitants divided into eight tribes - Guaymí, Cábecar, Bribrí, Chorotega, Maleku, Huetár, Brunca and Teribe. The situation of these peoples has not improved. One of the most serious problems relates to health. There is a health centre 5 km from the Guaymí community of Coto Brus, but the doctor only goes to the village once a month to treat 40 persons. Many people arrive too late to obtain medical care. In the health centres they are discriminated against, being treated last, and occasionally they are insulted as well.

18. The diseases most frequently encountered among the indigenous groups are respiratory infections, diarrhoea, intestinal parasitosis, skin infections, pioderma, fungus growths, whooping cough, measles, pains in the muscles and joints and malaria. According to the Ministry of Health, 2,000 Guaymís were suffering from tuberculosis at the beginning of 1994.

19. The situation regarding education is no different. No provision is made for these population groups in education programmes. One particularly important aspect of their abandonment is the lack of respect shown for their culture. Half of them are illiterate, and teaching them is made more difficult by the absence of any system which will help them better to assimilate the content and values of their culture.

20. Another problem affecting the indigenous population is that of land tenure, notwithstanding the fact that in 1977 the Indigenous Peoples Act (No. 6172) was adopted stipulating that their lands are inalienable, non-transferable and the exclusive property of the indigenous peoples and the State for all time. However, according to the Sejekto Cultural Institute, this Act has not yet been put into effect. Encroachments on Indian lands by non-Indians have given rise to many problems.

21. In the light of the foregoing, CODEHUCA requests your intervention to the following ends:

(a) The adoption by the legislatures of Central America of laws concerning the establishment of regions or areas which are the sole property of the indigenous peoples;

(b) The opening by governments in the area of in-depth investigations to ascertain the true intentions of the genetics project, which is an attack on the dignity of the indigenous peoples;

(c) The cancellation of the concessions which currently allow prospection for and exploitation of natural resources (mines, forests, fishing areas, etc.) and of concessions affecting indigenous land;

(d) The ratification of Convention No. 169 by Central American governments which have not already done so and recognition of and respect for the indigenous cultural system;

(e) The protection by Central American governments of the health and well-being of their indigenous peoples; and

(f) The abandonment by Central American governments of the officially sanctioned practice of forcible expulsion of indigenous peoples from their ancestrally owned lands.